

PROPOSED COUNCIL SUBSTITUTE FOR COUNCIL/COMMITTEE PURPOSES

24 impact to be consistent with comprehensive planning
25 concurrency standards; amending ss. 316.1001, 320.03, and
26 338.155, F.S.; providing that failure to pay a toll may be
27 punished by withholding of license plates and revalidation
28 stickers; providing procedures for enforcement; amending
29 s. 322.27, F.S.; exempting certain violations from the
30 Department of Highway Safety and Motor Vehicles' point
31 system for evaluation of violations of motor vehicle laws
32 and ordinances; amending s. 316.29545, F.S.; excluding
33 vehicles owned or leased by private investigative services
34 from certain restrictions when used in specified
35 activities; amending s. 316.515, F.S.; revising a
36 limitation on the length of certain trailers issued a
37 special permit by the department to deliver manufactured
38 buildings; amending s. 316.535, F.S.; increasing weight
39 limits for vehicles on highways that are not in the
40 Interstate Highway System; amending s. 316.545, F.S.;
41 providing for a reduction in the gross weight of certain
42 vehicles equipped with idle-reduction technologies when
43 calculating a penalty for exceeding maximum weight limits;
44 requiring the operator to provide certification of the
45 weight of the idle-reduction technology and to demonstrate
46 or certify that the idle-reduction technology is fully
47 functional at all times; amending s. 334.03, F.S.;
48 revising definitions relating to the Florida
49 Transportation Code; amending s. 334.044, F.S.; revising
50 powers and duties of the Department of Transportation;
51 removing duty to assign jurisdictional responsibility and
52 to designate facilities as part of the State Highway
53 System; amending s. 334.047, F.S.; removing a provision
54 prohibiting the department from establishing a maximum
55 number of miles of urban principal arterial roads within a

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56 district or county; creating s. 336.445, F.S.; authorizing
57 counties to enter into agreements with private entities
58 for the building, operation, ownership, or financing of
59 toll facilities; requiring public declaration; requiring a
60 public hearing; requiring county to make certain
61 determinations prior to awarding a project; providing
62 requirements for an agreement; amending s. 337.0261, F.S.;
63 recognizing that construction aggregate materials mining
64 is an industry of critical importance and that the mining
65 of construction aggregate materials is in the public
66 interest; amending s. 339.2816, F.S., relating to the
67 Small County Road Assistance Program; providing for
68 resumption of certain funding for the program; revising
69 criteria for program eligibility; revising criteria for
70 prioritization of projects; amending s. 339.2818, F.S.,
71 relating to the Small County Outreach Program; revising
72 the purpose of the program to include certain project
73 types; repealing s. 339.64(5), F.S., relating to Strategic
74 Intermodal System Plan; repealing the Statewide Intermodal
75 Transportation Advisory Council; amending s. 348.51, F.S.
76 revising the definitions of "bonds" and "expressway
77 system" in reference to the Tampa-Hillsborough County
78 Expressway Authority Law; amending s. 348.53, F.S.
79 providing the authority is to benefit the Tampa Bay
80 Region; providing that the purpose of the authority
81 includes transit support facilities; amending s. 348.54,
82 F.S.; authorizing the Tampa-Hillsborough County Expressway
83 Authority to make and issue notes, refunding bonds, and
84 other evidences of indebtedness or obligations for
85 specified purposes relating to the expressway system;
86 prohibiting the authority from pledging the credit or
87 taxing power of the state; providing that the authority's

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88 obligations are not obligations of the state, a political
89 subdivision, or agency; providing that the state, a
90 political subdivision, or agency is not liable for the
91 payment of principal or interest on the authority's
92 obligations; amending s. 348.545, F.S.; authorizing costs
93 of authority improvements to be financed by bonds issued
94 on behalf of the authority pursuant to the State Bond Act
95 or bonds issued by the authority pursuant to ch. 348,
96 F.S.; amending s. 348.56, F.S.; authorizing bonds to be
97 issued on behalf of the authority pursuant to the State
98 Bond Act or issued by the authority pursuant to ch. 348,
99 F.S.; revising requirements for such bonds; requiring the
100 bonds to be sold at public sale; authorizing the authority
101 to negotiate the sale of bonds with underwriters under
102 certain circumstances; amending s. 348.565, F.S.;
103 providing that facilities of the expressway system are
104 approved to be refinanced by the revenue bonds issued by
105 the Division of Bond Finance of the State Board of
106 Administration and the State Bond Act, or by revenue bonds
107 issued by the authority; providing that certain projects
108 of the authority are approved for financing or refinancing
109 by revenue bonds issued according to part IV of ch. 348,
110 F.S., and the State Constitution; providing an additional
111 project type where the authority may use revenue bonds;
112 amending s. 348.57, F.S.; authorizing the authority to
113 provide for the issuance of certain bonds for the
114 refunding of any bonds then outstanding regardless of
115 whether the bonds being refunded were issued by the
116 authority pursuant to this chapter or on behalf of the
117 authority pursuant to the State Bond Act; amending s.
118 348.70, F.S.; providing that part IV of ch. 348, F.S.,
119 relating to the Tampa-Hillsborough County Express

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120 Authority, does not repeal, rescind, or modify certain
121 laws; amending s. 705.18, F.S.; removing provisions for
122 disposal of personal property lost or abandoned at certain
123 public-use airports; creating s. 705.182, F.S.; providing
124 for disposal of personal property found on premises owned
125 or controlled by the operator of a public-use airport;
126 providing a time frame for the property to be claimed;
127 providing options for disposing of such personal property;
128 providing procedures for selling abandoned personal
129 property; providing for notice of sale; permitting airport
130 tenants to establish lost and found procedures; providing
131 that purchaser holds title to the property free of the
132 rights of persons then holding any legal or equitable
133 interest thereto; creating s. 705.183, F.S.; providing for
134 disposition of derelict or abandoned aircraft on the
135 premises of public-use airports; providing procedures for
136 such disposition; requiring a record of when the aircraft
137 is found; defining the terms "derelict aircraft" and
138 "abandoned aircraft"; providing for notification of
139 aircraft owner and all persons having an equitable or
140 legal interest in the aircraft; providing for notice if
141 the owner of the aircraft is unknown or cannot be found;
142 providing for disposition if the aircraft is not removed
143 upon payment of required fees; requiring any sale of the
144 aircraft to be at a public auction; providing notice
145 requirements for such public auction; providing procedures
146 for disposal of the aircraft; providing for liability if
147 charges and costs related to the disposition are more than
148 that obtained from the sale; providing for a lien by the
149 airport for fees and charges; providing for notice of
150 lien; requiring the filing of a claim of lien; providing
151 for the form of the claim of lien; providing for service

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152 of the claim of lien; providing that the purchaser of the
153 aircraft takes the property free of rights of persons
154 holding legal or equitable interest in the aircraft;
155 requiring purchaser or recipient to notify the Federal
156 Aviation Administration of change in ownership; providing
157 for disposition of moneys received for an aircraft sold at
158 public sale; authorizing the airport to issue documents
159 relating to the aircraft's disposal; creating s. 705.184,
160 F.S.; providing for disposition of derelict or abandoned
161 motor vehicles on the premises of public-use airports;
162 providing procedures; requiring recording of the abandoned
163 motor vehicle; defining the terms "derelict motor vehicle"
164 and "abandoned motor vehicle"; providing for removal of
165 such motor vehicle from airport premises; providing for
166 notice to the owner, the company insuring the motor
167 vehicle, and any lienholder; providing for disposition if
168 the motor vehicle is not removed upon payment of required
169 fees; requiring any sale of the motor vehicle to be at a
170 public auction; providing notice requirements for such
171 public auction; providing procedures for disposal of the
172 motor vehicle; providing for liability if charges and
173 costs related to the disposition are more than that
174 obtained from the sale; providing for a lien by the
175 airport or a licensed independent wrecker for fees and
176 charges; providing for notice of lien; requiring the
177 filing of a claim of lien; providing for the form of the
178 claim of lien; providing for service of claim of lien;
179 providing that the purchaser of the motor vehicle takes
180 the property free of the rights of persons holding legal
181 or equitable interest in the motor vehicle; amending ss.
182 288.063, 311.07, 311.09, 316.2122, 316.515, 332.14,
183 336.01, 338.222, 403.7211, and 479.01, F.S.; correcting

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184 cross-references; conforming provisions to changes made by
185 the act; providing an effective date.

186
187 Be It Enacted by the Legislature of the State of Florida:
188

189 Section 1. Paragraph (c) of subsection (2), paragraphs (b)
190 and (c) of subsection (4), and subsection (12) of section
191 163.3180, Florida Statutes are amended, and paragraph (i) of
192 subsection (16) of section 163.3180, Florida Statutes is created
193 to read:

194 163.3180 Concurrency.--

195 (2)

196 (c) Consistent with the public welfare, and except as
197 otherwise provided in this section, transportation facilities
198 needed to serve new development shall be in place or under
199 actual construction within 3 years after the local government
200 approves a building permit or its functional equivalent that
201 results in traffic generation. In evaluating whether such
202 transportation facilities will be in place or under actual
203 construction, the following shall be considered a committed
204 facility:

205 1. A project that is included in the first 3 years of a
206 local government's adopted capital improvements plan;

207 2. A project that is included in the first 3 years of the
208 Department of Transportation's adopted work program; or

209 3. A high-performance transit system that serves multiple
210 municipalities, connects to an existing rail system, and is
211 included in a county's or the Department of Transportation's
212 long-range transportation plan.

213 (4)

214 (b) The concurrency requirement as implemented in local
215 comprehensive plans does not apply to public transit facilities.

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216 For the purposes of this paragraph, public transit facilities
217 include transit stations and terminals; transit station parking;
218 park-and-ride lots; intermodal public transit connection or
219 transfer facilities; fixed bus, guideway, and rail stations; and
220 airport passenger terminals and concourses, air cargo
221 facilities, and hangars for the assembly, manufacture,
222 maintenance, or storage of aircraft. As used in this paragraph,
223 the terms "terminals" and "transit facilities" do not include
224 seaports or commercial or residential development constructed in
225 conjunction with a public transit facility.

226 (c) The concurrency requirement, except as it relates to
227 transportation facilities and public schools, as implemented in
228 local government comprehensive plans, may be waived by a local
229 government for urban infill and redevelopment areas designated
230 pursuant to s. 163.2517 if such a waiver does not endanger
231 public health or safety as defined by the local government in
232 its local government comprehensive plan. The waiver shall be
233 adopted as a plan amendment pursuant to the process set forth in
234 s. 163.3187(3) (a). A local government may grant a concurrency
235 exception pursuant to subsection (5) for transportation
236 facilities located within these urban infill and redevelopment
237 areas. Affordable housing developments that serve residents who
238 have incomes at or below 60 percent of the area median income
239 and are proposed to be located on arterial roadways that have
240 public transit available are exempt from transportation
241 concurrency requirements.

242 (12) A development of regional impact satisfies ~~may~~
243 ~~satisfy~~ the transportation concurrency requirements of the local
244 comprehensive plan, the local government's concurrency
245 management system, and s. 380.06 by paying ~~payment of~~ a
246 proportionate-share contribution for local and regionally
247 significant traffic impacts, if:

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248 (a) The development of regional impact which, based on its
249 location or mix of land uses, is designed to encourage
250 pedestrian or other nonautomotive modes of transportation;

251 (b) The proportionate-share contribution for local and
252 regionally significant traffic impacts is sufficient to pay for
253 one or more ~~required~~ mobility improvements that will benefit the
254 network of a regionally significant transportation facilities
255 facility;

256 (c) The owner and developer of the development of regional
257 impact pays or assures payment of the proportionate-share
258 contribution to the local government having jurisdiction over
259 the development of regional impact; and

260 (d) If the regionally significant transportation facility
261 to be constructed or improved is under the maintenance authority
262 of a governmental entity, as defined by s. 334.03(10)-(12), other
263 than the local government with jurisdiction over the development
264 of regional impact, the local government having jurisdiction
265 over the development of regional impact must ~~developer is~~
266 ~~required~~ to enter into a binding and legally enforceable
267 commitment to transfer funds to the governmental entity having
268 maintenance authority or to otherwise assure construction or
269 improvement of a the facility reasonably related to the mobility
270 demands created by the development.

271 (e) As used in this subsection, the term "backlog" means a
272 facility or facilities on which the adopted level-of-service
273 standard is exceeded by the existing trips, plus additional
274 projected background trips from any source other than the
275 development project under review that are forecast by
276 established traffic modeling standards, consistent with the
277 University of Florida Bureau of Economic and Business Research
278 medium population projections. Additional projected background
279 trips are to be coincident with the particular stage or phase of

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280 development under review.

281

282 The proportionate-share contribution may be applied to any
283 transportation facility to satisfy the provisions of this
284 subsection and the local comprehensive plan, but, for the
285 purposes of this subsection, the amount of the proportionate-
286 share contribution shall be calculated based upon the cumulative
287 number of trips from the proposed development expected to reach
288 roadways during the peak hour from the complete buildout of a
289 stage or phase being approved, divided by the change in the peak
290 hour maximum service volume of roadways resulting from
291 construction of an improvement necessary to maintain the adopted
292 level of service, multiplied by the construction cost, at the
293 time of developer payment, of the improvement necessary to
294 maintain the adopted level of service. For purposes of this
295 subsection, "construction cost" includes all associated costs of
296 the improvement. The cost of any improvements made to a
297 regionally significant transportation facility that is
298 constructed by the owner or developer of the development of
299 regional impact, including the costs associated with
300 accommodating a transit facility within the development of
301 regional impact which is in a county's or the Department of
302 Transportation's long-range transportation plan, shall be
303 credited against a development of regional impact's
304 proportionate-share contribution. Proportionate-share mitigation
305 shall be limited to ensure that a development of regional impact
306 meeting the requirements of this subsection mitigates its impact
307 on the transportation system but is not responsible for the
308 additional cost of reducing or eliminating backlogs. This
309 subsection also applies to Florida Quality Developments pursuant
310 to s. 380.061 and to detailed specific area plans implementing
311 optional sector plans pursuant to s. 163.3245.

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312 (16) It is the intent of the Legislature to provide a
313 method by which the impacts of development on transportation
314 facilities can be mitigated by the cooperative efforts of the
315 public and private sectors. The methodology used to calculate
316 proportionate fair-share mitigation under this section shall be
317 as provided for in subsection (12).

318 (i) As used in this subsection, the term "backlog" means a
319 facility or facilities on which the adopted level-of-service
320 standard is exceeded by the existing trips, plus additional
321 projected background trips from any source other than the
322 development project under review that are forecast by
323 established traffic standards, including traffic modeling,
324 consistent with the University of Florida, Bureau of Economic
325 and Business Research medium population projections. Additional
326 projected background trips are to be coincident with the
327 particular stage or phase of development under review.

328 Section 2. Paragraph (a) of subsection (7) of section
329 380.06, Florida Statutes, is amended to read:

330 380.06 Developments of regional impact.--

331 (7) PREAPPLICATION PROCEDURES.--

332 (a) Before filing an application for development approval,
333 the developer shall contact the regional planning agency with
334 jurisdiction over the proposed development to arrange a
335 preapplication conference. Upon the request of the developer or
336 the regional planning agency, other affected state and regional
337 agencies shall participate in this conference and shall identify
338 the types of permits issued by the agencies, the level of
339 information required, and the permit issuance procedures as
340 applied to the proposed development. The level-of-service
341 standards required in the transportation methodology must be the
342 same level-of-service standards used to evaluate concurrency in
343 accordance with s. 163.3180. The regional planning agency shall

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344 provide the developer information about the development-of-
345 regional-impact process and the use of preapplication
346 conferences to identify issues, coordinate appropriate state and
347 local agency requirements, and otherwise promote a proper and
348 efficient review of the proposed development. If agreement is
349 reached regarding assumptions and methodology to be used in the
350 application for development approval, the reviewing agencies may
351 not subsequently object to those assumptions and methodologies
352 unless subsequent changes to the project or information obtained
353 during the review make those assumptions and methodologies
354 inappropriate.

355 Section 3. Subsections (1) and (4) of section 316.1001,
356 Florida Statutes, are amended to read:

357 316.1001 Payment of toll on toll facilities required;
358 penalties.--

359 (1) A person may not use any toll facility without payment
360 of tolls, except as provided in s. 338.155. Failure to pay a
361 prescribed toll is a noncriminal traffic infraction, punishable
362 as a moving violation under chapter 318 or by the withholding of
363 a license plate or revalidation sticker for any motor vehicle
364 pursuant to s. 320.03(8).

365 (4) Any governmental entity, including, without
366 limitation, a clerk of court, may supply the department with
367 data that is machine readable by the department's computer
368 system, listing persons who have one or more outstanding
369 violations of this section, with reference to the person's
370 driver's license number or license plate number in the case of a
371 business entity. Pursuant to s. 320.03(8), the department and
372 its authorized agents may not issue ~~those persons may not be~~
373 issued a license plate or revalidation sticker for any motor
374 vehicle owned by a person whose name appears on the department's
375 list of persons having any outstanding violations of this

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376 section until the person's name no longer appears on the list or
377 until the person presents a receipt from the governmental entity
378 or clerk showing that all applicable amounts owed on outstanding
379 violations have been paid.

380 Section 4. Subsection (8) of section 320.03, Florida
381 Statutes, is amended to read:

382 320.03 Registration; duties of tax collectors;
383 International Registration Plan.--

384 (8) If the applicant's name appears on the list referred
385 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
386 license plate or revalidation sticker may not be issued until
387 that person's name no longer appears on the list or until the
388 person presents a receipt from the governmental entity that
389 supplied the list or the clerk of court showing that the fines
390 outstanding have been paid. This subsection does not apply to
391 the owner of a leased vehicle if the vehicle is registered in
392 the name of the lessee of the vehicle. The tax collector and the
393 clerk of the court are each entitled to receive monthly, as
394 costs for implementing and administering this subsection, 10
395 percent of the civil penalties and fines recovered from such
396 persons. As used in this subsection, the term "civil penalties
397 and fines" does not include a wrecker operator's lien as
398 described in s. 713.78(13). If the tax collector has private tag
399 agents, such tag agents are entitled to receive a pro rata share
400 of the amount paid to the tax collector, based upon the
401 percentage of license plates and revalidation stickers issued by
402 the tag agent compared to the total issued within the county.
403 The authority of any private agent to issue license plates shall
404 be revoked, after notice and a hearing as provided in chapter
405 120, if he or she issues any license plate or revalidation
406 sticker contrary to the provisions of this subsection. This
407 section applies only to the annual renewal in the owner's birth

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408 month of a motor vehicle registration and does not apply to the
409 transfer of a registration of a motor vehicle sold by a motor
410 vehicle dealer licensed under this chapter, except for the
411 transfer of registrations which is inclusive of the annual
412 renewals. This section does not affect the issuance of the title
413 to a motor vehicle, notwithstanding s. 319.23(7)(b).

414 Section 5. Paragraph (d) of subsection (3) of section
415 322.27, Florida Statutes, is amended to read:

416 322.27 Authority of department to suspend or revoke
417 license.--

418 (3) There is established a point system for evaluation of
419 convictions of violations of motor vehicle laws or ordinances,
420 and violations of applicable provisions of s. 403.413(6)(b) when
421 such violations involve the use of motor vehicles, for the
422 determination of the continuing qualification of any person to
423 operate a motor vehicle. The department is authorized to suspend
424 the license of any person upon showing of its records or other
425 good and sufficient evidence that the licensee has been
426 convicted of violation of motor vehicle laws or ordinances, or
427 applicable provisions of s. 403.413(6)(b), amounting to 12 or
428 more points as determined by the point system. The suspension
429 shall be for a period of not more than 1 year.

430 (d) The point system shall have as its basic element a
431 graduated scale of points assigning relative values to
432 convictions of the following violations:

- 433 1. Reckless driving, willful and wanton--4 points.
- 434 2. Leaving the scene of a crash resulting in property
435 damage of more than \$50--6 points.
- 436 3. Unlawful speed resulting in a crash--6 points.
- 437 4. Passing a stopped school bus--4 points.
- 438 5. Unlawful speed:

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439 a. Not in excess of 15 miles per hour of lawful or posted
440 speed--3 points.

441 b. In excess of 15 miles per hour of lawful or posted
442 speed--4 points.

443 6. A violation of a traffic control signal device as
444 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

445 7. All other moving violations (including parking on a
446 highway outside the limits of a municipality)--3 points.
447 However, no points shall be imposed for a violation of s.
448 316.0741, s. 316.1001, or s. 316.2065(12).

449 8. Any moving violation covered above, excluding unlawful
450 speed, resulting in a crash--4 points.

451 9. Any conviction under s. 403.413(6)(b)--3 points.

452 10. Any conviction under s. 316.0775(2)--4 points.

453 Section 6. Subsection (1) of section 338.155, Florida
454 Statutes, is amended to read:

455 338.155 Payment of toll on toll facilities required;
456 exemptions.--

457 (1) No persons are permitted to use any toll facility
458 without payment of tolls, except employees of the agency
459 operating the toll project when using the toll facility on
460 official state business, state military personnel while on
461 official military business, handicapped persons as provided in
462 this section, persons exempt from toll payment by the
463 authorizing resolution for bonds issued to finance the facility,
464 and persons exempt on a temporary basis where use of such toll
465 facility is required as a detour route. Any law enforcement
466 officer operating a marked official vehicle is exempt from toll
467 payment when on official law enforcement business. Any person
468 operating a fire vehicle when on official business or a rescue
469 vehicle when on official business is exempt from toll payment.
470 Any person participating in the funeral procession of a law

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471 enforcement officer or firefighter killed in the line of duty is
472 exempt from toll payment. The secretary, or the secretary's
473 designee, may suspend the payment of tolls on a toll facility
474 when necessary to assist in emergency evacuation. The failure to
475 pay a prescribed toll constitutes a noncriminal traffic
476 infraction, punishable as a moving violation pursuant to s.
477 318.18 or by the withholding of a license plate or revalidation
478 sticker for any motor vehicle pursuant to s. 320.03(8). The
479 department is authorized to adopt rules relating to guaranteed
480 toll accounts.

481 Section 7. Section 316.29545, Florida Statutes, is amended
482 to read:

483 316.29545 Window sunscreening exclusions; medical
484 exemption; certain law enforcement vehicles and private
485 investigative service vehicles exempt.--

486 (1) The department shall issue medical exemption
487 certificates to persons who are afflicted with Lupus or similar
488 medical conditions which require a limited exposure to light,
489 which certificates shall entitle the person to whom the
490 certificate is issued to have sunscreening material on the
491 windshield, side windows, and windows behind the driver which is
492 in violation of the requirements of ss. 316.2951-316.2957. The
493 department shall provide, by rule, for the form of the medical
494 certificate authorized by this section. At a minimum, the
495 medical exemption certificate shall include a vehicle
496 description with the make, model, year, vehicle identification
497 number, medical exemption decal number issued for the vehicle,
498 and the name of the person or persons who are the registered
499 owners of the vehicle. A medical exemption certificate shall be
500 nontransferable and shall become null and void upon the sale or
501 transfer of the vehicle identified on the certificate.

502 (2) The department shall exempt all law enforcement

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503 vehicles used in undercover or canine operations from the window
504 suncreening requirements of ss. 316.2951-316.2957.

505 (3) The department shall exempt from the window
506 sunscreening restrictions of ss. 316.2953, 316.2954, and
507 316.2956 vehicles owned or leased by private investigative
508 agencies licensed under chapter 493 and used in homeland
509 security functions on behalf of federal, state, or local
510 authorities; executive protection activities; undercover,
511 covert, or surveillance operations involving child abductions,
512 convicted sex offenders, insurance fraud, or missing persons or
513 property; or investigative activities in which evidence is being
514 obtained for civil or criminal court proceedings.

515 (4)~~(3)~~ The department may charge a fee in an amount
516 sufficient to defray the expenses of issuing a medical exemption
517 certificate as described in subsection (1).

518 Section 8. Subsection (14) of section 316.515, Florida
519 Statutes, is amended to read:

520 316.515 Maximum width, height, length.--

521 (14) MANUFACTURED BUILDINGS.--The Department of
522 Transportation may, in its discretion and upon application and
523 good cause shown therefor that the same is not contrary to the
524 public interest, issue a special permit for truck tractor-
525 semitrailer combinations if where the total number of overwidth
526 deliveries of manufactured buildings, as defined in s.
527 553.36(13), may be reduced by permitting the use of multiple
528 sections or single units on an overlength trailer of no more
529 than 80 ~~54~~ feet.

530 Section 9. Subsection (5) of section 316.535, Florida
531 Statutes, is amended to read:

532 316.535 Maximum weights.--

533 (5) With respect to those highways not in the Interstate
534 Highway System, in all cases in which it exceeds state law in

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535 effect on January 4, 1975, the overall gross weight on the
536 vehicle or combination of vehicles, ~~including all enforcement~~
537 ~~tolerances~~, shall be as determined by the following formula:

538
539
$$W = 500((LN \div (N-1)) + 12N + 36)$$

540
541 where W = overall gross weight of the vehicle to the nearest 500
542 pounds; L = distance in feet between the extreme of the external
543 axles; and N = number of axles on the vehicle. However, such
544 overall gross weight of any vehicle or combination of vehicles
545 may not exceed 80,000 pounds ~~including all enforcement~~
546 ~~tolerances~~. The scale tolerance provided in s. 316.545(2) shall
547 be applicable to all weight limitations of this subsection.
548 Except when a vehicle exceeds the posted weight limit on a
549 bridge, fines for violations of the total gross weight
550 limitations provided for in this subsection shall be based on
551 the amount by which the actual weight of the vehicle and load
552 exceeds the allowable maximum weight determined under this
553 subsection plus the scale tolerance provided in s. 316.545(2).

554 Section 10. Subsection (3) of section 316.545, Florida
555 Statutes, is amended to read:

556 316.545 Weight and load unlawful; special fuel and motor
557 fuel tax enforcement; inspection; penalty; review.--

558 (3) Any person who violates the overloading provisions of
559 this chapter shall be conclusively presumed to have damaged the
560 highways of this state by reason of such overloading, which
561 damage is hereby fixed as follows:

562 (a) When the excess weight is 200 pounds or less than the
563 maximum herein provided, the penalty shall be \$10;

564 (b) Five cents per pound for each pound of weight in
565 excess of the maximum herein provided when the excess weight
566 exceeds 200 pounds. However, whenever the gross weight of the

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567 vehicle or combination of vehicles does not exceed the maximum
568 allowable gross weight, the maximum fine for the first 600
569 pounds of unlawful axle weight shall be \$10;

570 (c) For a vehicle equipped with fully functional idle-
571 reduction technology, any penalty shall be calculated by
572 reducing the actual gross vehicle weight or the internal bridge
573 weight by the certified weight of the idle-reduction technology
574 or by 400 pounds, whichever is less. The vehicle operator must
575 present written certification of the weight of the idle-
576 reduction technology and must demonstrate or certify that the
577 idle-reduction technology is fully functional at all times. This
578 calculation is not allowed for vehicles described in s.
579 316.535 (6);

580 (d)-(e) An apportioned motor vehicle, as defined in s.
581 320.01, operating on the highways of this state without being
582 properly licensed and registered shall be subject to the
583 penalties as herein provided; and

584 (e)-(d) Vehicles operating on the highways of this state
585 from nonmember International Registration Plan jurisdictions
586 which are not in compliance with the provisions of s. 316.605
587 shall be subject to the penalties as herein provided.

588 Section 11. Section 334.03, Florida Statutes, is amended
589 to read:

590 334.03 Definitions.--When used in the Florida
591 Transportation Code, the term:

592 ~~(1) "Arterial road" means a route providing service which~~
593 ~~is relatively continuous and of relatively high traffic volume,~~
594 ~~long average trip length, high operating speed, and high~~
595 ~~mobility importance. In addition, every United States numbered~~
596 ~~highway is an arterial road.~~

597 (1)-(2) "Bridge" means a structure, including supports,
598 erected over a depression or an obstruction, such as water or a

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599 highway or railway, and having a track or passageway for
600 carrying traffic as defined in chapter 316 or other moving
601 loads.

602 (2)~~(3)~~ "City street system" means all local roads within a
603 municipality that were under the jurisdiction of that
604 municipality on June 10, 1995, roads constructed by a
605 municipality for that municipality's street system, and roads
606 transferred to the municipality's jurisdiction after that date
607 by mutual consent with another governmental entity, but does not
608 include roads so transferred from the municipality's
609 jurisdiction, ~~and all collector roads inside that municipality,~~
610 ~~which are not in the county road system.~~

611 ~~(4) "Collector road" means a route providing service which~~
612 ~~is of relatively moderate average traffic volume, moderately~~
613 ~~average trip length, and moderately average operating speed.~~
614 ~~Such a route also collects and distributes traffic between local~~
615 ~~roads or arterial roads and serves as a linkage between land~~
616 ~~access and mobility needs.~~

617 (3)~~(5)~~ "Commissioners" means the governing body of a
618 county.

619 (4)~~(6)~~ "Consolidated metropolitan statistical area" means
620 two or more metropolitan statistical areas that are socially and
621 economically interrelated as defined by the United States Bureau
622 of the Census.

623 (5)~~(7)~~ "Controlled access facility" means a street or
624 highway to which the right of access is highly regulated by the
625 governmental entity having jurisdiction over the facility in
626 order to maximize the operational efficiency and safety of the
627 high-volume through traffic utilizing the facility. Owners or
628 occupants of abutting lands and other persons have a right of
629 access to or from such facility at such points only and in such
630 manner as may be determined by the governmental entity.

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631 ~~(6)-(8)~~ "County road system" means all roads within a
632 county which were under the jurisdiction of that county on June
633 10, 1995, roads constructed by a county for that county's road
634 system, and roads transferred to the county's jurisdiction after
635 that date by mutual consent with another governmental entity,
636 but does not include roads so transferred from the county's
637 jurisdiction ~~collector roads in the unincorporated areas of a~~
638 ~~county and all extensions of such collector roads into and~~
639 ~~through any incorporated areas, all local roads in the~~
640 ~~unincorporated areas, and all urban minor arterial roads not in~~
641 ~~the State Highway System.~~

642 ~~(7)-(9)~~ "Department" means the Department of
643 Transportation.

644 ~~(8)-(10)~~ "Florida Intrastate Highway System" means a system
645 of limited access and controlled access facilities on the State
646 Highway System which have the capacity to provide high-speed and
647 high-volume traffic movements in an efficient and safe manner.

648 ~~(9)-(11)~~ "Functional classification" means the assignment
649 of roads into systems according to the character of service they
650 provide in relation to the total road network using procedures
651 developed by the Federal Highway Administration. ~~Basic~~
652 ~~functional categories include arterial roads, collector roads,~~
653 ~~and local roads which may be subdivided into principal, major,~~
654 ~~or minor levels. Those levels may be additionally divided into~~
655 ~~rural and urban categories.~~

656 ~~(10)-(12)~~ "Governmental entity" means a unit of government,
657 or any officially designated public agency or authority of a
658 unit of government, that has the responsibility for planning,
659 construction, operation, or maintenance or jurisdiction over
660 transportation facilities; the term includes the Federal
661 Government, the state government, a county, an incorporated
662 municipality, a metropolitan planning organization, an

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663 expressway or transportation authority, a road and bridge
664 district, a special road and bridge district, and a regional
665 governmental unit.

666 (11)~~(13)~~ "Limited access facility" means a street or
667 highway especially designed for through traffic, and over, from,
668 or to which owners or occupants of abutting land or other
669 persons have no right or easement of access, light, air, or view
670 by reason of the fact that their property abuts upon such
671 limited access facility or for any other reason. Such highways
672 or streets may be facilities from which trucks, buses, and other
673 commercial vehicles are excluded; or they may be facilities open
674 to use by all customary forms of street and highway traffic.

675 (12)~~(14)~~ "Local governmental entity" means a unit of
676 government with less than statewide jurisdiction, or any
677 officially designated public agency or authority of such a unit
678 of government, that has the responsibility for planning,
679 construction, operation, or maintenance of, or jurisdiction
680 over, a transportation facility; the term includes, but is not
681 limited to, a county, an incorporated municipality, a
682 metropolitan planning organization, an expressway or
683 transportation authority, a road and bridge district, a special
684 road and bridge district, and a regional governmental unit.

685 ~~(15) "Local road" means a route providing service which is~~
686 ~~of relatively low average traffic volume, short average trip~~
687 ~~length or minimal through-traffic movements, and high land~~
688 ~~access for abutting property.~~

689 (13)~~(16)~~ "Metropolitan area" means a geographic region
690 comprising as a minimum the existing urbanized area and the
691 contiguous area projected to become urbanized within a 20-year
692 forecast period. The boundaries of a metropolitan area may be
693 designated so as to encompass a metropolitan statistical area or
694 a consolidated metropolitan statistical area. If a metropolitan

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695 area, or any part thereof, is located within a nonattainment
696 area, the boundaries of the metropolitan area must be designated
697 so as to include the boundaries of the entire nonattainment
698 area, unless otherwise provided by agreement between the
699 applicable metropolitan planning organization and the Governor.

700 ~~(14)-(17)~~ "Metropolitan statistical area" means an area
701 that includes a municipality of 50,000 persons or more, or an
702 urbanized area of at least 50,000 persons as defined by the
703 United States Bureau of the Census, provided that the component
704 county or counties have a total population of at least 100,000.

705 ~~(15)-(18)~~ "Nonattainment area" means an area designated by
706 the United States Environmental Protection Agency, pursuant to
707 federal law, as exceeding national primary or secondary ambient
708 air quality standards for the pollutants carbon monoxide or
709 ozone.

710 ~~(16)-(19)~~ "Periodic maintenance" means activities that are
711 large in scope and require a major work effort to restore
712 deteriorated components of the transportation system to a safe
713 and serviceable condition, including, but not limited to, the
714 repair of large bridge structures, major repairs to bridges and
715 bridge systems, and the mineral sealing of lengthy sections of
716 roadway.

717 ~~(17)-(20)~~ "Person" means any person described in s. 1.01 or
718 any unit of government in or outside the state.

719 ~~(18)-(21)~~ "Right of access" means the right of ingress to a
720 highway from abutting land and egress from a highway to abutting
721 land.

722 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the
723 department, a county, or a municipality owns the fee or has an
724 easement devoted to or required for use as a transportation
725 facility.

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726 ~~(20)-(23)~~ "Road" means a way open to travel by the public,
727 including, but not limited to, a street, highway, or alley. The
728 term includes associated sidewalks, the roadbed, the right-of-
729 way, and all culverts, drains, sluices, ditches, water storage
730 areas, waterways, embankments, slopes, retaining walls, bridges,
731 tunnels, and viaducts necessary for the maintenance of travel
732 and all ferries used in connection therewith.

733 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and
734 associated tasks necessary to maintain a safe and efficient
735 transportation system. The term includes: pavement patching;
736 shoulder repair; cleaning and repair of drainage ditches,
737 traffic signs, and structures; mowing; bridge inspection and
738 maintenance; pavement striping; litter cleanup; and other
739 similar activities.

740 ~~(22)-(25)~~ "State Highway System" means the ~~following, which~~
741 ~~shall be facilities to which access is regulated:~~

742 ~~(a) The interstate system and all other roads within the~~
743 ~~state which were under the jurisdiction of the state on June 10,~~
744 ~~1995, roads constructed by an agency of the state for the State~~
745 ~~Highway System, and roads transferred to the state's~~
746 ~~jurisdiction after that date by mutual consent with another~~
747 ~~governmental entity, but does not include roads so transferred~~
748 ~~from the state's jurisdiction. These facilities shall be~~
749 ~~facilities to which access is regulated.~~

750 ~~(b) All rural arterial routes and their extensions into~~
751 ~~and through urban areas;~~

752 ~~(c) All urban principal arterial routes; and~~

753 ~~(d) The urban minor arterial mileage on the existing State~~
754 ~~Highway System as of July 1, 1987, plus additional mileage to~~
755 ~~comply with the 2-percent requirement as described below.~~

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757 ~~However, not less than 2 percent of the public road mileage of~~
758 ~~each urbanized area on record as of June 30, 1986, shall be~~
759 ~~included as minor arterials in the State Highway System.~~
760 ~~Urbanized areas not meeting the foregoing minimum requirement~~
761 ~~shall have transferred to the State Highway System additional~~
762 ~~minor arterials of the highest significance in which case the~~
763 ~~total minor arterials in the State Highway System from any~~
764 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
765 ~~public urban road mileage.~~

766 ~~(23)-(26)~~ "State Park Road System" means roads embraced
767 within the boundaries of state parks and state roads leading to
768 state parks, other than roads of the State Highway System, the
769 county road systems, or the city street systems.

770 ~~(24)-(27)~~ "State road" means a street, road, highway, or
771 other way open to travel by the public generally and dedicated
772 to the public use according to law or by prescription and
773 designated by the department, as provided by law, as part of the
774 State Highway System.

775 ~~(25)-(28)~~ "Structure" means a bridge, viaduct, tunnel,
776 causeway, approach, ferry slip, culvert, toll plaza, gate, or
777 other similar facility used in connection with a transportation
778 facility.

779 ~~(26)-(29)~~ "Sufficiency rating" means the objective rating
780 of a road or section of a road for the purpose of determining
781 its capability to serve properly the actual or anticipated
782 volume of traffic using the road.

783 ~~(27)-(30)~~ "Transportation corridor" means any land area
784 designated by the state, a county, or a municipality which is
785 between two geographic points and which area is used or suitable
786 for the movement of people and goods by one or more modes of
787 transportation, including areas necessary for management of
788 access and securing applicable approvals and permits.

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789 Transportation corridors shall contain, but are not limited to,
790 the following:

791 (a) Existing publicly owned rights-of-way;

792 (b) All property or property interests necessary for
793 future transportation facilities, including rights of access,
794 air, view, and light, whether public or private, for the purpose
795 of securing and utilizing future transportation rights-of-way,
796 including, but not limited to, any lands reasonably necessary
797 now or in the future for securing applicable approvals and
798 permits, borrow pits, drainage ditches, water retention areas,
799 rest areas, replacement access for landowners whose access could
800 be impaired due to the construction of a future facility, and
801 replacement rights-of-way for relocation of rail and utility
802 facilities.

803 ~~(28)-(31)~~ "Transportation facility" means any means for the
804 transportation of people or property from place to place which
805 is constructed, operated, or maintained in whole or in part from
806 public funds. The term includes the property or property rights,
807 both real and personal, which have been or may be established by
808 public bodies for the transportation of people or property from
809 place to place.

810 ~~(29)-(32)~~ "Urban area" means a geographic region comprising
811 as a minimum the area inside the United States Bureau of the
812 Census boundary of an urban place with a population of 5,000 or
813 more persons, expanded to include adjacent developed areas as
814 provided for by Federal Highway Administration regulations.

815 ~~(33)~~ "Urban minor arterial road" means a route that
816 generally interconnects with and augments an urban principal
817 arterial road and provides service to trips of shorter length
818 and a lower level of travel mobility. The term includes all
819 arterials not classified as "principal" and contain facilities
820 that place more emphasis on land access than the higher system.

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821 (30)~~(34)~~ "Urban place" means a geographic region composed
822 of one or more contiguous census tracts that have been found by
823 the United States Bureau of the Census to contain a population
824 density of at least 1,000 persons per square mile.

825 ~~(35) "Urban principal arterial road" means a route that~~
826 ~~generally serves the major centers of activity of an urban area,~~
827 ~~the highest traffic volume corridors, and the longest trip~~
828 ~~purpose and carries a high proportion of the total urban area~~
829 ~~travel on a minimum of mileage. Such roads are integrated, both~~
830 ~~internally and between major rural connections.~~

831 (31)~~(36)~~ "Urbanized area" means a geographic region
832 comprising as a minimum the area inside an urban place of 50,000
833 or more persons, as designated by the United States Bureau of
834 the Census, expanded to include adjacent developed areas as
835 provided for by Federal Highway Administration regulations.
836 Urban areas with a population of fewer than 50,000 persons which
837 are located within the expanded boundary of an urbanized area
838 are not separately recognized.

839 (32)~~(37)~~ "511" or "511 services" means three-digit
840 telecommunications dialing to access interactive voice response
841 telephone traveler information services provided in the state as
842 defined by the Federal Communications Commission in FCC Order
843 No. 00-256, July 31, 2000.

844 (33)~~(38)~~ "Interactive voice response" means a software
845 application that accepts a combination of voice telephone input
846 and touch-tone keypad selection and provides appropriate
847 responses in the form of voice, fax, callback, e-mail, and other
848 media.

849 Section 12. Subsections (11) and (13) of section 334.044,
850 Florida Statutes, are amended to read:

851 334.044 Department; powers and duties.--The department
852 shall have the following general powers and duties:

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853 (11) To establish a numbering system for public roads and
854 to functionally classify such roads, ~~and to assign~~
855 ~~jurisdictional responsibility.~~

856 (13) To ~~designate existing and to~~ plan proposed
857 transportation facilities as part of the State Highway System,
858 and to construct, maintain, and operate such facilities.

859 Section 13. Section 334.047, Florida Statutes, is amended
860 to read:

861 334.047 Prohibition.--Notwithstanding any other provision
862 of law to the contrary, the Department of Transportation may not
863 establish a cap on the number of miles in the State Highway
864 System ~~or a maximum number of miles of urban principal arterial~~
865 ~~roads, as defined in s. 334.03, within a district or county.~~

866 Section 14. Section 336.445, Florida Statutes, is created
867 to read:

868 336.445 Public-private partnerships with counties.--

869 (1) Notwithstanding any other provision of law or
870 ordinance, a county may enter into agreements with private
871 entities, or a consortia thereof, for the building, operation,
872 ownership, or financing of toll facilities as part of the county
873 road system under the following circumstances:

874 (a) The county has publically declared at a properly
875 noticed commission meeting the need for a toll facility and a
876 desire to contract with a private entity for the building,
877 operation, ownership, or financing of a toll facility; and

878 (b) The county establishes after a public hearing that the
879 proposal includes unique benefits and that adoption of the
880 project is not contrary to the interest of the public.

881 (2) Before awarding the project to a private entity, the
882 county must determine that the proposed project:

883 (a) Is not contrary to the public's interest;

884 (b) Would not require state funds to be used;

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885 (c) Would have adequate safeguards in place to ensure that
886 no additional costs or service disruptions would be realized by
887 the travelling public in the event of default or cancellation of
888 the agreement by the county; and

889 (d) Would have adequate safeguards in place to ensure that
890 the county or the private entity has the opportunity to add
891 capacity to the proposed project and other transportation
892 facilities serving similar origins and destinations.

893 (3) Any agreement between a county and a private entity,
894 or consortia thereof, must address the following:

895 (a) Regulations governing the future increase of toll or
896 fare revenues; and

897 (b) That the private entity shall provide an investment
898 grade traffic and revenue study prepared by an internationally
899 recognized traffic and revenue expert that is accepted by the
900 national bond rating agencies. The private entity shall also
901 provide a finance plan than identifies the project cost,
902 revenues by source, financing, major assumptions, internal rate
903 of return on private investment, whether any government funds
904 are assumed to deliver a cost-feasible project, and a total cash
905 flow analysis beginning with the implementation of the project
906 and extending for the term of the agreement.

907 Section 15. Subsection (2) of section 337.0261, Florida
908 Statutes, is amended to read:

909 337.0261 Construction aggregate materials.--

910 (2) LEGISLATIVE INTENT.--The Legislature finds that there
911 is a strategic and critical need for an available supply of
912 construction aggregate materials within the state and that a
913 disruption of the supply would cause a significant detriment to
914 the state's construction industry, transportation system, and
915 overall health, safety, and welfare. In addition, the
916 Legislature recognizes that construction aggregate materials

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917 mining is an industry of critical importance to the state and
918 that the mining of construction aggregate materials is in the
919 public interest.

920 Section 16. Subsection (3) and paragraphs (b) and (c) of
921 subsection (4) of section 339.2816, Florida Statutes, are
922 amended to read:

923 339.2816 Small County Road Assistance Program.--

924 (3) Beginning with fiscal year 1999-2000 until fiscal year
925 2009-2010, and beginning again with fiscal year 2012-2013, up to
926 \$25 million annually from the State Transportation Trust Fund
927 may be used for the purposes of funding the Small County Road
928 Assistance Program as described in this section.

929 (4)

930 (b) In determining a county's eligibility for assistance
931 under this program, the department may consider whether the
932 county has attempted to keep county roads in satisfactory
933 condition, including the amount of local option fuel tax ~~and ad~~
934 ~~valorem millage rate~~ imposed by the county. The department may
935 also consider the extent to which the county has offered to
936 provide a match of local funds with state funds provided under
937 the program. At a minimum, small counties shall be eligible only
938 if:

939 ~~1. the county has enacted the maximum rate of the local~~
940 ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~
941 ~~an ad valorem millage rate of at least 8 mills; or~~

942 ~~2. The county has imposed an ad valorem millage rate of 10~~
943 ~~mills.~~

944 (c) The following criteria ~~shall~~ be used to prioritize
945 road projects for funding under the program:

946 1. The primary criterion is the physical condition of the
947 road as measured by the department.

948 2. As secondary criteria the department may consider:

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- 949 a. Whether a road is used as an evacuation route.
950 b. Whether a road has high levels of agricultural travel.
951 c. Whether a road is considered a major arterial route.
952 d. Whether a road is considered a feeder road.
953 e. Whether a road is located in a fiscally constrained
954 county as defined in s. 218.67(1).

955 ~~f.e.~~ Other criteria related to the impact of a project on
956 the public road system or on the state or local economy as
957 determined by the department.

958 Section 17. Subsection (1) of section 339.2818, Florida
959 Statutes, is amended to read:

960 339.2818 Small County Outreach Program.--

961 (1) There is created within the Department of
962 Transportation the Small County Outreach Program. The purpose of
963 this program is to assist small county governments in repairing
964 or rehabilitating county bridges, paving unpaved roads,
965 addressing road-related drainage improvements, resurfacing or
966 reconstructing county roads, or ~~in~~ constructing capacity or
967 safety improvements to county roads.

968 Section 18. Subsection (5) of section 339.64, Florida
969 Statutes, is repealed.

970 Section 19. Subsections (3) and (7) of section 348.51,
971 Florida Statutes, is amended to read:

972 348.51 Definitions.--The following terms whenever used or
973 referred to in this part shall have the following meanings,
974 except in those instances where the context clearly indicates
975 otherwise:

976 (3) "Bonds" means and includes the notes, bonds, refunding
977 bonds, or other evidences of indebtedness or obligations, in
978 either temporary or definitive form, which ~~of~~ the authority is
979 authorized to issue ~~issued~~ pursuant to this part.

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980 (7) "Expressway system" or "system" means, generally, a
981 modern highway system of roads, managed lanes, and other transit
982 supporting facilities, bridges, causeways, and tunnels in the
983 metropolitan area of the city, or within any area of the county,
984 including the Tampa Bay Region as defined by those counties set
985 forth in s. 343.91(1)(a), with access limited or unlimited as
986 the authority may determine, and such buildings and structures
987 and appurtenances and facilities related thereto, including all
988 approaches, streets, roads, bridges, and avenues of access for
989 such system.

990 Section 20. Section 348.53, Florida Statutes, is amended
991 to read:

992 348.53 Purposes of the authority.--The authority is
993 created for the purposes and shall have power to construct,
994 reconstruct, improve, extend, repair, maintain and operate the
995 expressway system. It is hereby found and declared that such
996 purposes are in all respects for the benefit of the people of
997 the State of Florida, City of Tampa, ~~and~~ the County of
998 Hillsborough, and Tampa Bay Region, for the increase of their
999 pleasure, convenience and welfare, for the improvement of their
1000 health, to facilitate transportation, including transit support
1001 facilities, for their recreation and commerce and for the common
1002 defense. The authority shall be performing a public purpose and
1003 a governmental function in carrying out its corporate purpose
1004 and in exercising the powers granted herein.

1005 Section 21. Subsections (7) and (8) of section 348.54,
1006 Florida Statutes, are amended to read:

1007 348.54 Powers of the authority.--Except as otherwise
1008 limited herein, the authority shall have the power:

1009 (7) To borrow money and to make and issue negotiable
1010 bonds, notes, refunding bonds, and other evidences of
1011 indebtedness or obligations, either in temporary or definitive

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1012 form, hereinafter in this chapter referred to as "bonds of the
1013 authority," for the purpose of financing all or part of the
1014 improvement or extension of the expressway system, and
1015 appurtenant facilities, including all approaches, streets,
1016 roads, bridges, and avenues of access for the expressway system
1017 and for any other purpose authorized by this part and to provide
1018 for the rights of the holders thereof.

1019 (8) To secure the payment of bonds by a pledge of all or
1020 any portion of the revenues or such other moneys legally
1021 available therefor and of all or any portion of the Hillsborough
1022 County gasoline tax funds in the manner provided by this part;
1023 and in general to provide for the security of the bonds and the
1024 rights and remedies of the holders thereof. Interest upon the
1025 amount of gasoline tax funds to be repaid to the county pursuant
1026 to s. 348.60 shall be payable, at the highest rate applicable to
1027 any outstanding bonds of the authority, out of revenues and
1028 other available moneys not required to meet the authority's
1029 obligations to its bondholders. The authority shall have no
1030 power at any time or in any manner to pledge the credit or
1031 taxing power of the state or any political subdivision or
1032 agency, including the city and the county, nor shall any of the
1033 authority's obligations be deemed to be obligations of the state
1034 or of any political subdivision or agency, nor shall the state
1035 or any political subdivision or agency, except the authority, be
1036 liable for the payment of the principal of or interest on such
1037 obligations.

1038 Section 22. Section 348.545, Florida Statutes, is amended
1039 to read:

1040 348.545 Facility improvement; bond financing
1041 authority.--Pursuant to s. 11(f), Art. VII of the State
1042 Constitution, the Legislature hereby approves for bond financing
1043 by the Tampa-Hillsborough County Expressway Authority

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1044 improvements to toll collection facilities, interchanges to the
1045 legislatively approved expressway system, and any other facility
1046 appurtenant, necessary, or incidental to the approved system.
1047 Subject to terms and conditions of applicable revenue bond
1048 resolutions and covenants, such costs ~~financing~~ may be financed
1049 in whole or in part by revenue bonds issued pursuant to s.
1050 348.56(1) (a) or s. 348.56(1) (b) whether currently issued or
1051 issued in the future, or by a combination of such bonds.

1052 Section 23. Subsections (1) and (2) of section 348.56,
1053 Florida Statutes, are amended to read:

1054 348.56 Bonds of the authority.--

1055 (1) (a) Bonds may be issued on behalf of the authority
1056 pursuant to the State Bond Act.

1057 (b) Alternatively, the authority shall have the power and
1058 is hereby authorized from time to time to issue bonds in such
1059 principal amount as, in the opinion of the authority, shall be
1060 necessary to provide sufficient moneys for achieving its
1061 corporate purposes, including construction, reconstruction,
1062 improvement, extension, repair, maintenance and operation of the
1063 expressway system, the cost of acquisition of all real property,
1064 interest on bonds during construction and for a reasonable
1065 period thereafter, establishment of reserves to secure bonds,
1066 and all other expenditures of the authority incident to and
1067 necessary or convenient to carry out its corporate purposes and
1068 powers.

1069 (2) (a) Bonds issued by the authority pursuant to paragraph
1070 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1071 the members of the authority and shall bear such date or dates,
1072 mature at such time or times, not exceeding 40 years from their
1073 respective dates, bear interest at such rate or rates, not
1074 exceeding the maximum rate fixed by general law for authorities,
1075 be in such denominations, be in such form, either coupon or

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1076 fully registered, carry such registration, exchangeability and
1077 interchangeability privileges, be payable in such medium of
1078 payment and at such place or places, be subject to such terms of
1079 redemption and be entitled to such priorities of lien on the
1080 revenues, other available moneys, and the Hillsborough County
1081 gasoline tax funds as such resolution or any resolution
1082 subsequent thereto may provide. The bonds shall be executed
1083 either by manual or facsimile signature by such officers as the
1084 authority shall determine, provided that such bonds shall bear
1085 at least one signature which is manually executed thereon. The
1086 coupons attached to such bonds shall bear the facsimile
1087 signature or signatures of such officer or officers as shall be
1088 designated by the authority. Such bonds shall have the seal of
1089 the authority affixed, imprinted, reproduced, or lithographed
1090 thereon.

1091 (b) The bonds issued pursuant to paragraph (1)(a) or
1092 paragraph (1)(b) shall be sold at public sale in the same manner
1093 provided in the State Bond Act, and the net interest cost to the
1094 authority on such bonds shall not exceed the maximum rate fixed
1095 by general law for authorities. If all bids received on the
1096 public sale are rejected, the authority may then proceed to
1097 negotiate for the sale of the bonds at a net interest cost which
1098 shall be less than the lowest net interest cost stated in the
1099 bids rejected at the public sale. However, if the authority
1100 determines, by official action at a public meeting, that a
1101 negotiated sale of such bonds is in the best interest of the
1102 authority, the authority may negotiate the sale of such bonds
1103 with the underwriter or underwriters designated by the authority
1104 and the Division of Bond Finance within the State Board of
1105 Administration with respect to bonds issued pursuant to
1106 paragraph (1)(a) or solely by the authority with respect to
1107 bonds issued pursuant to paragraph (1)(b). The authority's

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1108 determination to negotiate the sale of such bonds may be based,
1109 in part, upon the written advice of the authority's financial
1110 adviser. Pending the preparation of definitive bonds, temporary
1111 bonds or interim certificates may be issued to the purchaser or
1112 purchasers of such bonds and may contain such terms and
1113 conditions as the authority may determine.

1114 Section 24. Section 348.565, Florida Statutes, is amended
1115 to read:

1116 348.565 Revenue bonds for specified projects.--The
1117 existing facilities that constitute the Tampa-Hillsborough
1118 County Expressway System are hereby approved to be refinanced by
1119 the ~~issuance of~~ revenue bonds issued by the Division of Bond
1120 Finance of the State Board of Administration pursuant to s.
1121 11(f), Art. VII of the State Constitution and the State Bond
1122 Act, or by revenue bonds issued by the authority pursuant to s.
1123 348.56(1)(b). In addition, the following projects of the Tampa-
1124 Hillsborough County Expressway Authority are approved to be
1125 financed or refinanced by the issuance of revenue bonds in
1126 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
1127 the State Constitution:

1128 (1) Brandon area feeder roads.

1129 (2) Capital improvements to the expressway system,
1130 including safety and operational improvements and toll
1131 collection equipment.

1132 (3) Lee Roy Selmon Crosstown Expressway System widening.

1133 (4) The connector highway linking the Lee Roy Selmon
1134 Crosstown Expressway to Interstate 4.

1135 (5) Managed lanes and other transit support facilities.

1136 Section 25. Subsection (1) of section 348.57, Florida
1137 Statutes, is amended to read:

1138 348.57 Refunding bonds.--

1139 (1) Subject to public notice as provided in s. 348.54, the

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1140 authority is authorized to provide by resolution for the
1141 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
1142 for the purpose of refunding any bonds then outstanding
1143 regardless of whether the bonds being refunded were issued by
1144 the authority pursuant to this chapter or on behalf of the
1145 authority pursuant to the State Bond Act. The authority is
1146 further authorized to provide by resolution for the issuance of
1147 bonds for the combined purpose of:

1148 (a) Paying the cost of constructing, reconstructing,
1149 improving, extending, repairing, maintaining and operating the
1150 expressway system.

1151 (b) Refunding bonds then outstanding. The authorization,
1152 sale and issuance of such obligations, the maturities and other
1153 details thereof, the rights and remedies of the holders thereof,
1154 and the rights, powers, privileges, duties and obligations of
1155 the authority with respect to the same shall be governed by the
1156 foregoing provisions of this part insofar as the same may be
1157 applicable.

1158 Section 26. Section 348.70, Florida Statutes, is amended
1159 to read:

1160 348.70 This part complete and additional authority.--

1161 (1) The powers conferred by this part shall be in addition
1162 and supplemental to the existing respective powers of the
1163 authority, the department, the county and the city, if any, and
1164 this part shall not be construed as repealing any of the
1165 provisions of any other law, general, special or local, but
1166 shall be deemed to supersede such other law or laws in the
1167 exercise of the powers provided in this part insofar as such
1168 other law or laws are inconsistent with the provisions of this
1169 part and to provide a complete method for the exercise of the
1170 powers granted herein. The construction, reconstruction,
1171 improvement, extension, repair, maintenance and operation of the

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1172 expressway system, and the issuance of bonds hereunder to
1173 finance all or part of the cost thereof, may be accomplished
1174 upon compliance with the provisions of this part without regard
1175 to or necessity for compliance with the provisions, limitations,
1176 or restrictions contained in any other general, special or local
1177 law, including, but not limited to, s. 215.821, and no approval
1178 of any bonds issued under this part by the qualified electors or
1179 qualified electors who are freeholders in the state or in the
1180 county or in the city or in any other political subdivision of
1181 the state shall be required for the issuance of such bonds.

1182 (2) This part does not repeal, rescind, or modify any
1183 other law or laws relating to the State Board of Administration,
1184 the Department of Transportation, or the Division of Bond
1185 Finance of the State Board of Administration, but shall
1186 supersede such other law or laws as are inconsistent with the
1187 provisions of this part, including, but not limited to, s.
1188 215.821.

1189 Section 27. Section 705.18, Florida Statutes, is amended
1190 to read:

1191 705.18 Disposal of personal property lost or abandoned on
1192 university or community college campuses ~~or certain public-use~~
1193 ~~airports~~; disposition of proceeds from sale thereof.--

1194 (1) Whenever any lost or abandoned personal property shall
1195 be found on a campus of an institution in the State University
1196 System or a campus of a state-supported community college, ~~or on~~
1197 ~~premises owned or controlled by the operator of a public-use~~
1198 ~~airport having regularly scheduled international passenger~~
1199 ~~service~~, the president of the institution or the president's
1200 designee ~~or the director of the airport or the director's~~
1201 ~~designee~~ shall take charge thereof and make a record of the date
1202 such property was found. If, within 30 days after such property
1203 is found, or a longer period of time as may be deemed

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1204 appropriate by the president ~~or the director~~ under the
1205 circumstances, the property ~~it~~ is not claimed by the owner, the
1206 president ~~or director~~ shall order it sold at public outcry after
1207 giving notice of the time and place of sale in a publication of
1208 general circulation on the campus of such institution ~~or within~~
1209 ~~the county where the airport is located~~ and written notice to
1210 the owner if known. The rightful owner of such property may
1211 reclaim the same at any time prior to sale.

1212 (2) All moneys realized from such institution's sale shall
1213 be placed in an appropriate fund and used solely for student
1214 scholarship and loan purposes. ~~All moneys realized from such~~
1215 ~~sale by an airport, less its costs of storage, transportation,~~
1216 ~~and publication of notice, shall, unless another use is required~~
1217 ~~by federal law, be deposited into the state school fund.~~

1218 Section 28. Section 705.182, Florida Statutes, is created
1219 to read:

1220 705.182 Disposal of personal property found on the
1221 premises of public-use airports.--

1222 (1) Whenever any personal property, other than an aircraft
1223 or motor vehicle, is found on premises owned or controlled by
1224 the operator of a public-use airport, the director of the
1225 airport or the director's designee shall take charge thereof and
1226 make a record of the date such property was found.

1227 (2) If, within 30 calendar days after such property is
1228 found or for a longer period of time as may be deemed
1229 appropriate by the director or the director's designee under the
1230 circumstances, the property is not claimed by the owner, the
1231 director or the director's designee may:

1232 (a) Retain any or all of the property for use by the
1233 airport or for use by the state or the unit of local government
1234 owning or operating the airport;

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1235 (b) Trade such property to another unit of local
1236 government or a state agency;
1237 (c) Donate the property to a charitable organization;
1238 (d) Sell the property; or
1239 (e) Dispose of the property through an appropriate refuse
1240 removal company or a company that provides salvage services for
1241 the type of personal property found or located on the airport
1242 premises.

1243 (3) The airport shall notify the owner, if known, of the
1244 property found on the airport premises and that the airport
1245 intends to dispose of the property as provided in subsection
1246 (2).

1247 (4) If the airport elects to sell the property under
1248 paragraph (2) (d), the property must be sold at a public auction
1249 either on the Internet or at a specified physical location after
1250 giving notice of the time and place of sale, at least 10
1251 calendar days prior to the date of sale, in a publication of
1252 general circulation within the county where the airport is
1253 located and after written notice, via certified mail, return
1254 receipt requested, is provided to the owner, if known. Any such
1255 notice shall be sufficient if the notice refers to the airport's
1256 intention to sell all then-accumulated found property, and there
1257 is no requirement that the notice identify each item to be sold.
1258 The rightful owner of such property may reclaim the property at
1259 any time prior to sale by presenting acceptable evidence of
1260 ownership to the airport director or the director's designee.
1261 All proceeds from the sale of the property shall be retained by
1262 the airport for use by the airport in any lawfully authorized
1263 manner.

1264 (5) Nothing in this section shall preclude the airport
1265 from allowing a domestic or international air carrier or other
1266 tenant, on premises owned or controlled by the operator of a

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1267 public-use airport, to establish its own lost and found
1268 procedures for personal property and to dispose of such personal
1269 property.

1270 (6) A purchaser or recipient in good faith of personal
1271 property sold or obtained under this section shall take the
1272 property free of the rights of persons then holding any legal or
1273 equitable interest thereto, whether or not recorded.

1274 Section 29. Section 705.183, Florida Statutes, is created
1275 to read:

1276 705.183 Disposal of derelict or abandoned aircraft on the
1277 premises of public-use airports.--

1278 (1) (a) Whenever any derelict or abandoned aircraft is
1279 found or located on premises owned or controlled by the operator
1280 of a public-use airport, whether or not such premises are under
1281 a lease or license to a third party, the director of the airport
1282 or the director's designee shall make a record of the date the
1283 aircraft was found or determined to be present on the airport
1284 premises.

1285 (b) For purposes of this section, the term:

1286 1. "Abandoned aircraft" means an aircraft that has been
1287 disposed of on a public-use airport in a wrecked, inoperative,
1288 or partially dismantled condition or an aircraft that has
1289 remained in an idle state on premises owned or controlled by the
1290 operator of a public-use airport for 45 consecutive calendar
1291 days.

1292 2. "Derelict aircraft" means any aircraft that is not in a
1293 flyable condition, does not have a current certificate of air
1294 worthiness issued by the Federal Aviation Administration, and is
1295 not in the process of actively being repaired.

1296 (2) The director or the director's designee shall contact
1297 the Federal Aviation Administration, Aircraft Registration
1298 Branch, to determine the name and address of the last registered

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1299 owner of the aircraft and shall make a diligent personal search
1300 of the appropriate records, or contact an aircraft title search
1301 company, to determine the name and address of any person having
1302 an equitable or legal interest in the aircraft. Within 10
1303 business days after receipt of the information, the director or
1304 the director's designee shall notify the owner and all persons
1305 having an equitable or legal interest in the aircraft by
1306 certified mail, return receipt requested, of the location of the
1307 derelict or abandoned aircraft on the airport premises, that
1308 fees and charges for the use of the airport by the aircraft have
1309 accrued and the amount thereof, that the aircraft is subject to
1310 a lien under subsection (5) for the accrued fees and charges for
1311 the use of the airport and for the transportation, storage, and
1312 removal of the aircraft, that the lien is subject to enforcement
1313 pursuant to law, and that the airport may cause the use, trade,
1314 sale, or removal of the aircraft as described in s.
1315 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
1316 after the date of receipt of such notice, the aircraft has not
1317 been removed from the airport upon payment in full of all
1318 accrued fees and charges for the use of the airport and for the
1319 transportation, storage, and removal of the aircraft. Such
1320 notice may require removal of the aircraft in less than 30
1321 calendar days if the aircraft poses a danger to the health or
1322 safety of users of the airport, as determined by the director or
1323 the director's designee.

1324 (3) If the owner of the aircraft is unknown or cannot be
1325 found, the director or the director's designee shall cause a
1326 laminated notice to be placed upon such aircraft in
1327 substantially the following form:

1328
1329 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1330 PROPERTY. This property, to wit: (setting forth brief

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1331 description) is unlawfully upon public property known as
1332 (setting forth brief description of location) and has accrued
1333 fees and charges for the use of the (same description of
1334 location as above) and for the transportation, storage, and
1335 removal of the property. These accrued fees and charges must be
1336 paid in full and the property must be removed within 30 calendar
1337 days after the date of this notice; otherwise, the property will
1338 be removed and disposed of pursuant to chapter 705, Florida
1339 Statutes. The property is subject to a lien for all accrued fees
1340 and charges for the use of the public property known as (same
1341 description of location as above) by such property and for all
1342 fees and charges incurred by the public property known as (same
1343 description of location as above) for the transportation,
1344 storage, and removal of the property. This lien is subject to
1345 enforcement pursuant to law. The owner will be liable for such
1346 fees and charges, as well as the cost for publication of this
1347 notice. Dated this: (setting forth the date of posting of
1348 notice), signed: (setting forth name, title, address, and
1349 telephone number of law enforcement officer).

1350
1351 Such notice shall be not less than 8 inches by 10 inches and
1352 shall be sufficiently weatherproof to withstand normal exposure
1353 to the weather. If, at the end of 30 calendar days after posting
1354 the notice, the owner or any person interested in the described
1355 derelict or abandoned aircraft has not removed the aircraft from
1356 the airport upon payment in full of all accrued fees and charges
1357 for the use of the airport and for the transportation, storage,
1358 and removal of the aircraft, or shown reasonable cause for
1359 failure to do so, the director or the director's designee may
1360 cause the use, trade, sale, or removal of the aircraft as
1361 described in s. 705.182(2) (a), (b), (d), or (e).

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1362 (4) Such aircraft shall be removed within the time period
1363 specified in the notice provided under subsection (2) or
1364 subsection (3). If, at the end of such period of time, the owner
1365 or any person interested in the described derelict or abandoned
1366 aircraft has not removed the aircraft from the airport upon
1367 payment in full of all accrued fees and charges for the use of
1368 the airport and for the transportation, storage, and removal of
1369 the aircraft, or shown reasonable cause for the failure to do
1370 so, the director or the director's designee may cause the use,
1371 trade, sale, or removal of the aircraft as described in s.
1372 705.182(2) (a), (b), (d), or (e).

1373 (a) If the airport elects to sell the aircraft in
1374 accordance with s. 705.182(2) (d), the aircraft must be sold at
1375 public auction after giving notice of the time and place of
1376 sale, at least 10 calendar days prior to the date of sale, in a
1377 publication of general circulation within the county where the
1378 airport is located and after providing written notice of the
1379 intended sale to all parties known to have an interest in the
1380 aircraft.

1381 (b) If the airport elects to dispose of the aircraft in
1382 accordance with s. 705.182(2) (e), the airport shall be entitled
1383 to negotiate with the company for a price to be received from
1384 such company in payment for the aircraft, or, if circumstances
1385 so warrant, a price to be paid to such company by the airport
1386 for the costs of disposing of the aircraft. All information
1387 pertaining to the establishment of such price and the
1388 justification for the amount of such price shall be prepared and
1389 maintained by the airport, and such negotiated price shall be
1390 deemed to be a commercially reasonable price.

1391 (c) If the sale price or the negotiated price is less than
1392 the airport's then current charges and costs against the
1393 aircraft, or if the airport is required to pay the salvage

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1394 company for its services, the owner of the aircraft shall remain
1395 liable to the airport for the airport's costs that are not
1396 offset by the sale price or negotiated price, in addition to the
1397 owner's liability for payment to the airport of the price the
1398 airport was required to pay any salvage company. All costs
1399 incurred by the airport in the removal, storage, and sale of any
1400 aircraft shall be recoverable against the owner thereof.

1401 (5) The airport shall have a lien on a derelict or
1402 abandoned aircraft for all fees and charges for the use of the
1403 airport by such aircraft and for all fees and charges incurred
1404 by the airport for the transportation, storage, and removal of
1405 the aircraft. As a prerequisite to perfecting a lien under this
1406 section, the airport director or the director's designee must
1407 serve a notice in accordance with subsection (2) on the last
1408 registered owner and all persons having an equitable or legal
1409 interest in the aircraft. Serving the notice does not dispense
1410 with recording the claim of lien.

1411 (6) (a) For the purpose of perfecting its lien under this
1412 section, the airport shall record a claim of lien which shall
1413 state:

1414 1. The name and address of the airport.

1415 2. The name of the last registered owner of the aircraft
1416 and all persons having a legal or equitable interest in the
1417 aircraft.

1418 3. The fees and charges incurred by the aircraft for the
1419 use of the airport and the fees and charges for the
1420 transportation, storage, and removal of the aircraft.

1421 4. A description of the aircraft sufficient for
1422 identification.

1423 (b) The claim of lien shall be signed and sworn to or
1424 affirmed by the airport director or the director's designee.

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1425 (c) The claim of lien shall be sufficient if it is in
1426 substantially the following form:

1427
1428 CLAIM OF LIEN

1429 State of _____

1430 County of _____

1431 Before me, the undersigned notary public, personally appeared

1432 _____, who was duly sworn and says that he/she is the

1433 _____ of _____, whose address is _____; and that the

1434 following described aircraft:

1435 (Description of aircraft)

1436 owned by _____, whose address is _____, has accrued

1437 \$ _____ in fees and charges for the use by the aircraft of

1438 _____ and for the transportation, storage, and removal

1439 of the aircraft from _____; that the lienor served its

1440 notice to the last registered owner and all persons having a

1441 legal or equitable interest in the aircraft on _____, (year),

1442 by _____.

1443 (Signature)

1444 Sworn to (or affirmed) and subscribed before me this _____ day

1445 of _____, (year), by (name of person making statement).

1446 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

1447 name of Notary Public)

1448 Personally Known OR Produced _____ as identification.

1449
1450 However, the negligent inclusion or omission of any information

1451 in this claim of lien which does not prejudice the last

1452 registered owner does not constitute a default that operates to

1453 defeat an otherwise valid lien.

1454 (d) The claim of lien shall be served on the last

1455 registered owner of the aircraft and all persons having an

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1456 equitable or legal interest in the aircraft. The claim of lien
1457 shall be so served before recordation.

1458 (e) The claim of lien shall be recorded with the clerk of
1459 court in the county where the airport is located. The recording
1460 of the claim of lien shall be constructive notice to all persons
1461 of the contents and effect of such claim. The lien shall attach
1462 at the time of recordation and shall take priority as of that
1463 time.

1464 (7) A purchaser or recipient in good faith of an aircraft
1465 sold or obtained under this section takes the property free of
1466 the rights of persons then holding any legal or equitable
1467 interest thereto, whether or not recorded. The purchaser or
1468 recipient is required to notify the appropriate Federal Aviation
1469 Administration office of such change in the registered owner of
1470 the aircraft.

1471 (8) If the aircraft is sold at public sale, the airport
1472 shall deduct from the proceeds of sale the costs of
1473 transportation, storage, publication of notice, and all other
1474 costs reasonably incurred by the airport, and any balance of the
1475 proceeds shall be deposited into an interest-bearing account not
1476 later than 30 calendar days after the airport's receipt of the
1477 proceeds and held there for 1 year. The rightful owner of the
1478 aircraft may claim the balance of the proceeds within 1 year
1479 after the date of the deposit by making application to the
1480 airport and presenting acceptable written evidence of ownership
1481 to the airport's director or the director's designee. If no
1482 rightful owner claims the proceeds within the 1-year time
1483 period, the balance of the proceeds shall be retained by the
1484 airport to be used in any manner authorized by law.

1485 (9) Any person acquiring a legal interest in an aircraft
1486 that is sold by an airport under this section or s. 705.182
1487 shall be the lawful owner of such aircraft and all other legal

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1488 or equitable interests in such aircraft shall be divested and of
1489 no further force and effect, provided that the holder of any
1490 such legal or equitable interests was notified of the intended
1491 disposal of the aircraft to the extent required in this section.
1492 The airport may issue documents of disposition to the purchaser
1493 or recipient of an aircraft disposed of under this section.

1494 Section 30. Section 705.184, Florida Statutes, is created
1495 to read:

1496 705.184 Derelict or abandoned motor vehicles on the
1497 premises of public-use airports.--

1498 (1) (a) Whenever any derelict or abandoned motor vehicle is
1499 found on premises owned or controlled by the operator of a
1500 public-use airport, including airport premises leased to a third
1501 party, the director of the airport or the director's designee
1502 may take charge thereof and make a record of the date such motor
1503 vehicle was found.

1504 (b) For purposes of this section, the term:

1505 1. "Abandoned motor vehicle" means a motor vehicle that
1506 has been disposed of on a public-use airport in a wrecked,
1507 inoperative, or partially dismantled condition or a motor
1508 vehicle that has remained in an idle state on the premises of a
1509 public-use airport for 45 consecutive calendar days.

1510 2. "Derelict motor vehicle" means any motor vehicle that
1511 is not in a drivable condition.

1512 (c) After the information relating to the abandoned or
1513 derelict motor vehicle is recorded in the airport's records, the
1514 director or the director's designee may cause the motor vehicle
1515 to be removed from airport premises by the airport's wrecker or
1516 by a licensed independent wrecker company to be stored at a
1517 suitable location on or off the airport premises. If the motor
1518 vehicle is to be removed from airport premises by the airport's
1519 wrecker, the airport must follow the procedures in subsections

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1520 (2)-(8). The procedures in subsections (2)-(8) do not apply if
1521 the motor vehicle is removed from the airport premises by a
1522 licensed independent wrecker company.

1523 (2) The airport director or the director's designee shall
1524 contact the Department of Highway Safety and Motor Vehicles to
1525 notify that department that the airport has possession of the
1526 abandoned or derelict motor vehicle and to determine the name
1527 and address of the owner of the motor vehicle, the insurance
1528 company insuring the motor vehicle notwithstanding the
1529 provisions of s. 627.736, and any person who has filed a lien on
1530 the motor vehicle. Within 7 business days after receipt of the
1531 information, the director or the director's designee shall send
1532 notice by certified mail, return receipt requested, to the owner
1533 of the motor vehicle, the insurance company insuring the motor
1534 vehicle notwithstanding the provisions of s. 627.736, and all
1535 persons of record claiming a lien against the motor vehicle. The
1536 notice shall state the fact of possession of the motor vehicle,
1537 that charges for reasonable towing, storage, and parking fees,
1538 if any, have accrued and the amount thereof, that a lien as
1539 provided in subsection (6) will be claimed, that the lien is
1540 subject to enforcement pursuant to law, that the owner or
1541 lienholder, if any, has the right to a hearing as set forth in
1542 subsection (4), and that any motor vehicle which, at the end of
1543 30 calendar days after receipt of the notice, has not been
1544 removed from the airport upon payment in full of all accrued
1545 charges for reasonable towing, storage, and parking fees, if
1546 any, may be disposed of as provided in s. 705.182(2)(a), (b),
1547 (d), or (e), including, but not limited to, the motor vehicle
1548 being sold free of all prior liens after 35 calendar days after
1549 the time the motor vehicle is stored if any prior liens on the
1550 motor vehicle are more than 5 years of age or after 50 calendar

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1551 days after the time the motor vehicle is stored if any prior
1552 liens on the motor vehicle are 5 years of age or less.

1553 (3) If attempts to notify the owner or lienholder pursuant
1554 to subsection (2) are not successful, the requirement of notice
1555 by mail shall be considered met and the director or the
1556 director's designee, in accordance with subsection (5), may
1557 cause the motor vehicle to be disposed of as provided in s.
1558 705.182(2)(a), (b), (d), or (e), including, but not limited to,
1559 the motor vehicle being sold free of all prior liens after 35
1560 calendar days after the time the motor vehicle is stored if any
1561 prior liens on the motor vehicle are more than 5 years of age or
1562 after 50 calendar days after the time the motor vehicle is
1563 stored if any prior liens on the motor vehicle are 5 years of
1564 age or less.

1565 (4)(a) The owner of, or any person with a lien on, a motor
1566 vehicle removed pursuant to subsection (1), may, within 10
1567 calendar days after the time he or she has knowledge of the
1568 location of the motor vehicle, file a complaint in the county
1569 court of the county in which the motor vehicle is stored to
1570 determine if his or her property was wrongfully taken or
1571 withheld.

1572 (b) Upon filing a complaint, an owner or lienholder may
1573 have his or her motor vehicle released upon posting with the
1574 court a cash or surety bond or other adequate security equal to
1575 the amount of the fees for towing, storage, and accrued parking,
1576 if any, to ensure the payment of such fees in the event he or
1577 she does not prevail. Upon the posting of the bond or other
1578 adequate security and the payment of any applicable fee, the
1579 clerk of the court shall issue a certificate notifying the
1580 airport of the posting of the bond or other adequate security
1581 and directing the airport to release the motor vehicle. At the
1582 time of such release, after reasonable inspection, the owner or

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1583 lienholder shall give a receipt to the airport reciting any
1584 claims he or she has for loss or damage to the motor vehicle or
1585 the contents thereof.

1586 (5) If, after 30 calendar days after receipt of the
1587 notice, the owner or any person claiming a lien has not removed
1588 the motor vehicle from its storage location upon payment in full
1589 of all accrued charges for reasonable towing, storage, and
1590 parking fees, if any, or shown reasonable cause for the failure
1591 to do so, the airport director or the director's designee may
1592 dispose of the motor vehicle as provided in s. 705.182(2) (a),
1593 (b), (d), or (e). If the airport elects to sell the motor
1594 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be
1595 sold free of all prior liens after 35 calendar days after the
1596 time the motor vehicle is stored if any prior liens on the motor
1597 vehicle are more than 5 years of age or after 50 calendar days
1598 after the time the motor vehicle is stored if any prior liens on
1599 the motor vehicle are 5 years of age or less. The sale shall be
1600 a public auction either on the Internet or at a specified
1601 physical location. If the date of the sale was not included in
1602 the notice required in subsection (2), notice of the sale, sent
1603 by certified mail, return receipt requested, shall be given to
1604 the owner of the motor vehicle and to all persons claiming a
1605 lien on the motor vehicle. Such notice shall be mailed not less
1606 than 10 calendar days before the date of the sale. In addition
1607 to the notice by mail, public notice of the time and place of
1608 the sale at auction shall be made by publishing a notice thereof
1609 one time, at least 10 calendar days prior to the date of sale,
1610 in a newspaper of general circulation in the county in which the
1611 sale is to be held. All costs incurred by the airport for the
1612 towing, storage, and sale of the motor vehicle, as well as all
1613 accrued parking fees, if any, shall be recovered by the airport
1614 from the proceeds of the sale, and any proceeds of the sale in

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1615 excess of such costs shall be retained by the airport for use by
1616 the airport in any manner authorized by law.

1617 (6) The airport pursuant to this section or, if used, a
1618 licensed independent wrecker company pursuant to s. 713.78 shall
1619 have a lien on an abandoned or derelict motor vehicle for all
1620 reasonable towing, storage, and accrued parking fees, if any,
1621 except that no storage fee shall be charged if the motor vehicle
1622 is stored less than 6 hours. As a prerequisite to perfecting a
1623 lien under this section, the airport director or the director's
1624 designee must serve a notice in accordance with subsection (2)
1625 on the owner of the motor vehicle, the insurance company
1626 insuring the motor vehicle notwithstanding the provisions of s.
1627 627.736, and all persons of record claiming a lien against the
1628 motor vehicle. If attempts to notify the owner, the insurance
1629 company insuring the motor vehicle notwithstanding the
1630 provisions of s. 627.736, or lienholders are not successful, the
1631 requirement of notice by mail shall be considered met. Serving
1632 of the notice does not dispense with recording the claim of
1633 lien.

1634 (7) (a) For the purpose of perfecting its lien under this
1635 section, the airport shall record a claim of lien which shall
1636 state:

- 1637 1. The name and address of the airport.
- 1638 2. The name of the owner of the motor vehicle, the
1639 insurance company insuring the motor vehicle notwithstanding the
1640 provisions of s. 627.736, and all persons of record claiming a
1641 lien against the motor vehicle.
- 1642 3. The costs incurred from reasonable towing, storage, and
1643 parking fees, if any.
- 1644 4. A description of the motor vehicle sufficient for
1645 identification.

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1646 (b) The claim of lien shall be signed and sworn to or
1647 affirmed by the airport director or the director's designee.

1648 (c) The claim of lien shall be sufficient if it is in
1649 substantially the following form:

1651 CLAIM OF LIEN

1652 State of _____

1653 County of _____

1654 Before me, the undersigned notary public, personally appeared

1655 _____, who was duly sworn and says that he/she is the

1656 _____ of _____, whose address is _____; and that the

1657 following described motor vehicle:

1658 (Description of motor vehicle)

1659 owned by _____, whose address is _____, has accrued

1660 \$ _____ in fees for a reasonable tow, for storage, and for

1661 parking, if applicable; that the lienor served its notice to the

1662 owner, the insurance company insuring the motor vehicle

1663 notwithstanding the provisions of s. 627.736, Florida Statutes,

1664 and all persons of record claiming a lien against the motor

1665 vehicle on _____, (year), by _____.

1666 (Signature)

1667 Sworn to (or affirmed) and subscribed before me this _____ day

1668 of _____, (year), by (name of person making statement).

1669 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

1670 name of Notary Public)

1671 Personally Known OR Produced _____ as identification.

1672

1673 However, the negligent inclusion or omission of any information

1674 in this claim of lien which does not prejudice the owner does

1675 not constitute a default that operates to defeat an otherwise

1676 valid lien.

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1677 (d) The claim of lien shall be served on the owner of the
1678 motor vehicle, the insurance company insuring the motor vehicle
1679 notwithstanding the provisions of s. 627.736, and all persons of
1680 record claiming a lien against the motor vehicle. If attempts to
1681 notify the owner, the insurance company insuring the motor
1682 vehicle notwithstanding the provisions of s. 627.736, or
1683 lienholders are not successful, the requirement of notice by
1684 mail shall be considered met. The claim of lien shall be so
1685 served before recordation.

1686 (e) The claim of lien shall be recorded with the clerk of
1687 court in the county where the airport is located. The recording
1688 of the claim of lien shall be constructive notice to all persons
1689 of the contents and effect of such claim. The lien shall attach
1690 at the time of recordation and shall take priority as of that
1691 time.

1692 (8) A purchaser or recipient in good faith of a motor
1693 vehicle sold or obtained under this section takes the property
1694 free of the rights of persons then holding any legal or
1695 equitable interest thereto, whether or not recorded.

1696 Section 31. Subsection (3) of section 288.063, Florida
1697 Statutes, is amended to read:

1698 288.063 Contracts for transportation projects.--

1699 (3) With respect to any contract executed pursuant to this
1700 section, the term "transportation project" means a
1701 transportation facility as defined in s. 334.03 ~~(28)~~ ~~(31)~~ which is
1702 necessary in the judgment of the Office of Tourism, Trade, and
1703 Economic Development to facilitate the economic development and
1704 growth of the state. Except for applications received prior to
1705 July 1, 1996, such transportation projects shall be approved
1706 only as a consideration to attract new employment opportunities
1707 to the state or expand or retain employment in existing
1708 companies operating within the state, or to allow for the

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1709 construction or expansion of a state or federal correctional
1710 facility in a county with a population of 75,000 or less that
1711 creates new employment opportunities or expands or retains
1712 employment in the county. The Office of Tourism, Trade, and
1713 Economic Development shall institute procedures to ensure that
1714 small and minority businesses have equal access to funding
1715 provided under this section. Funding for approved transportation
1716 projects may include any expenses, other than administrative
1717 costs and equipment purchases specified in the contract,
1718 necessary for new, or improvement to existing, transportation
1719 facilities. Funds made available pursuant to this section may
1720 not be expended in connection with the relocation of a business
1721 from one community to another community in this state unless the
1722 Office of Tourism, Trade, and Economic Development determines
1723 that without such relocation the business will move outside this
1724 state or determines that the business has a compelling economic
1725 rationale for the relocation which creates additional jobs.
1726 Subject to appropriation for projects under this section, any
1727 appropriation greater than \$10 million shall be allocated to
1728 each of the districts of the Department of Transportation to
1729 ensure equitable geographical distribution. Such allocated funds
1730 that remain uncommitted by the third quarter of the fiscal year
1731 shall be reallocated among the districts based on pending
1732 project requests.

1733 Section 32. Paragraph (b) of subsection (3) of section
1734 311.07, Florida Statutes, is amended to read:

1735 311.07 Florida seaport transportation and economic
1736 development funding.--

1737 (3)

1738 (b) Projects eligible for funding by grants under the
1739 program are limited to the following port facilities or port
1740 transportation projects:

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1741 1. Transportation facilities within the jurisdiction of
1742 the port.

1743 2. The dredging or deepening of channels, turning basins,
1744 or harbors.

1745 3. The construction or rehabilitation of wharves, docks,
1746 structures, jetties, piers, storage facilities, cruise
1747 terminals, automated people mover systems, or any facilities
1748 necessary or useful in connection with any of the foregoing.

1749 4. The acquisition of vessel tracking systems, container
1750 cranes, or other mechanized equipment used in the movement of
1751 cargo or passengers in international commerce.

1752 5. The acquisition of land to be used for port purposes.

1753 6. The acquisition, improvement, enlargement, or extension
1754 of existing port facilities.

1755 7. Environmental protection projects which are necessary
1756 because of requirements imposed by a state agency as a condition
1757 of a permit or other form of state approval; which are necessary
1758 for environmental mitigation required as a condition of a state,
1759 federal, or local environmental permit; which are necessary for
1760 the acquisition of spoil disposal sites and improvements to
1761 existing and future spoil sites; or which result from the
1762 funding of eligible projects listed in this paragraph.

1763 8. Transportation facilities as defined in s.
1764 334.03(28) ~~(31)~~ which are not otherwise part of the Department of
1765 Transportation's adopted work program.

1766 9. Seaport intermodal access projects identified in the 5-
1767 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1768 10. Construction or rehabilitation of port facilities as
1769 defined in s. 315.02, excluding any park or recreational
1770 facilities, in ports listed in s. 311.09(1) with operating
1771 revenues of \$5 million or less, provided that such projects

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1772 create economic development opportunities, capital improvements,
1773 and positive financial returns to such ports.

1774 Section 33. Subsection (7) of section 311.09, Florida
1775 Statutes, is amended to read:

1776 311.09 Florida Seaport Transportation and Economic
1777 Development Council.--

1778 (7) The Department of Transportation shall review the list
1779 of projects approved by the council for consistency with the
1780 Florida Transportation Plan and the department's adopted work
1781 program. In evaluating the consistency of a project, the
1782 department shall determine whether the transportation impact of
1783 the proposed project is adequately handled by existing state-
1784 owned transportation facilities or by the construction of
1785 additional state-owned transportation facilities as identified
1786 in the Florida Transportation Plan and the department's adopted
1787 work program. In reviewing for consistency a transportation
1788 facility project as defined in s. 334.03(28)~~(31)~~ which is not
1789 otherwise part of the department's work program, the department
1790 shall evaluate whether the project is needed to provide for
1791 projected movement of cargo or passengers from the port to a
1792 state transportation facility or local road. If the project is
1793 needed to provide for projected movement of cargo or passengers,
1794 the project shall be approved for consistency as a consideration
1795 to facilitate the economic development and growth of the state
1796 in a timely manner. The Department of Transportation shall
1797 identify those projects which are inconsistent with the Florida
1798 Transportation Plan and the adopted work program and shall
1799 notify the council of projects found to be inconsistent.

1800 Section 34. Section 316.2122, Florida Statutes, is amended
1801 to read:

1802 316.2122 Operation of a low-speed vehicle on certain
1803 roadways.--The operation of a low-speed vehicle, as defined in

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1804 s. 320.01(42), on any road under the jurisdiction of a county or
1805 municipality or on an urban minor arterial road under the
1806 jurisdiction of the Department of Transportation as defined in
1807 ~~s. 334.03(15) or (33)~~, is authorized with the following
1808 restrictions:

1809 (1) A low-speed vehicle may be operated only on streets
1810 where the posted speed limit is 35 miles per hour or less. This
1811 does not prohibit a low-speed vehicle from crossing a road or
1812 street at an intersection where the road or street has a posted
1813 speed limit of more than 35 miles per hour.

1814 (2) A low-speed vehicle must be equipped with headlamps,
1815 stop lamps, turn signal lamps, taillamps, reflex reflectors,
1816 parking brakes, rearview mirrors, windshields, seat belts, and
1817 vehicle identification numbers.

1818 (3) A low-speed vehicle must be registered and insured in
1819 accordance with s. 320.02.

1820 (4) Any person operating a low-speed vehicle must have in
1821 his or her possession a valid driver's license.

1822 (5) A county or municipality may prohibit the operation of
1823 low-speed vehicles on any road under its jurisdiction if the
1824 governing body of the county or municipality determines that
1825 such prohibition is necessary in the interest of safety.

1826 (6) The Department of Transportation may prohibit the
1827 operation of low-speed vehicles on any road under its
1828 jurisdiction if it determines that such prohibition is necessary
1829 in the interest of safety.

1830 Section 35. Paragraph (c) of subsection (5) of section
1831 316.515, Florida Statutes, is amended to read:

1832 316.515 Maximum width, height, length.--

1833 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
1834 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
1835 REQUIREMENTS.--

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1836 (c) The width and height limitations of this section do
1837 not apply to farming or agricultural equipment, whether self-
1838 propelled, pulled, or hauled, when temporarily operated during
1839 daylight hours upon a public road that is not a limited access
1840 facility as defined in s. 334.03(11)~~(13)~~, and the width and
1841 height limitations may be exceeded by such equipment without a
1842 permit. To be eligible for this exemption, the equipment shall
1843 be operated within a radius of 50 miles of the real property
1844 owned, rented, or leased by the equipment owner. However,
1845 equipment being delivered by a dealer to a purchaser is not
1846 subject to the 50-mile limitation. Farming or agricultural
1847 equipment greater than 174 inches in width must have one warning
1848 lamp mounted on each side of the equipment to denote the width
1849 and must have a slow-moving vehicle sign. Warning lamps required
1850 by this paragraph must be visible from the front and rear of the
1851 vehicle and must be visible from a distance of at least 1,000
1852 feet.

1853 Section 36. Paragraph (b) of subsection (7) of section
1854 332.14, Florida Statutes, is amended to read:

1855 332.14 Secure Airports for Florida's Economy Council.--

1856 (7) The SAFE council may utilize, as appropriate and with
1857 legislative spending authorization, any federal, state, and
1858 local government contributions as well as private donations to
1859 fund SAFE Master Plan projects.

1860 (b) The council shall review and approve or disapprove
1861 each project eligible to be funded pursuant to this act. The
1862 council shall annually submit a list of projects which have been
1863 approved by the council to the Secretary of Transportation, the
1864 Secretary of Community Affairs, the executive director of the
1865 Department of Law Enforcement, and the director of the Office of
1866 Tourism, Trade, and Economic Development. The list shall specify
1867 the recommended funding level for each project, and, if staged

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1868 implementation of the project is appropriate, the funding
1869 requirements for each stage shall be specified.

1870 1. The Department of Community Affairs shall review the
1871 list of projects approved by the council to determine
1872 consistency with approved local government comprehensive plans
1873 of the units of local government in which the airport is located
1874 and consistency with the airport master plan. The Department of
1875 Community Affairs shall identify and notify the council of those
1876 projects which are not consistent, to the maximum extent
1877 feasible, with such comprehensive plans and airport master
1878 plans.

1879 2. The Department of Transportation shall review the list
1880 of projects approved by the council for consistency with the
1881 Florida Transportation Plan and the department's adopted work
1882 program. In evaluating the consistency of a project, the
1883 department shall determine whether the transportation impact of
1884 the proposed project is adequately handled by existing state-
1885 owned transportation facilities or by the construction of
1886 additional state-owned transportation facilities as identified
1887 in the Florida Transportation Plan and the department's adopted
1888 work program. In reviewing for consistency a transportation
1889 facility project as defined in s. 334.03(28)~~(31)~~ which is not
1890 otherwise part of the department's work program, the department
1891 shall evaluate whether the project is needed to provide for
1892 projected movement of cargo or passengers from the airport to a
1893 state transportation facility or local road. If the project is
1894 needed to provide for projected movement of cargo or passengers,
1895 the project shall be approved for consistency as a consideration
1896 to facilitate the economic development and growth of the state
1897 in a timely manner. The department shall identify those projects
1898 which are inconsistent with the Florida Transportation Plan and

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1899 the adopted work program and shall notify the council of
1900 projects found to be inconsistent.

1901 3. The Office of Tourism, Trade, and Economic Development,
1902 in consultation with Enterprise Florida, Inc., shall review the
1903 list of projects approved by the council to evaluate the
1904 economic benefit of the project and to determine whether the
1905 project is consistent with the SAFE Master Plan. The Office of
1906 Tourism, Trade, and Economic Development shall review the
1907 economic benefits of each project based upon the rules adopted
1908 pursuant to paragraph (a). The Office of Tourism, Trade, and
1909 Economic Development shall identify those projects which it has
1910 determined do not offer an economic benefit to the state or are
1911 not consistent with the SAFE Master Plan and shall notify the
1912 council of its findings.

1913 4. The Department of Law Enforcement shall review the list
1914 of projects approved by the council for consistency with
1915 domestic security provisions of ss. 943.03101, 943.0311, and
1916 943.0312. The Department of Law Enforcement shall identify those
1917 projects that it has determined are inconsistent with the
1918 state's strategic plan for domestic security and shall notify
1919 the council of its findings.

1920 Section 37. Section 336.01, Florida Statutes, is amended
1921 to read:

1922 336.01 Designation of county road system.--The county road
1923 system shall be as defined in s. 334.03~~(6)~~~~(8)~~.

1924 Section 38. Subsection (2) of section 338.222, Florida
1925 Statutes, is amended to read:

1926 338.222 Department of Transportation sole governmental
1927 entity to acquire, construct, or operate turnpike projects;
1928 exception.--

1929 (2) The department may contract with any local
1930 governmental entity as defined in s. 334.03~~(12)~~~~(14)~~ for the

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1931 design, right-of-way acquisition, or construction of any
1932 turnpike project which the Legislature has approved. Local
1933 governmental entities may negotiate with the department for the
1934 design, right-of-way acquisition, and construction of any
1935 section of the turnpike project within areas of their respective
1936 jurisdictions or within counties with which they have interlocal
1937 agreements.

1938 Section 39. Paragraph (a) of subsection (2) of section
1939 403.7211, Florida Statutes, is amended to read:

1940 403.7211 Hazardous waste facilities managing hazardous
1941 wastes generated offsite; federal facilities managing hazardous
1942 waste.--

1943 (2) The department shall not issue any permit under s.
1944 403.722 for the construction, initial operation, or substantial
1945 modification of a facility for the disposal, storage, or
1946 treatment of hazardous waste generated offsite which is proposed
1947 to be located in any of the following locations:

1948 (a) Any area where life-threatening concentrations of
1949 hazardous substances could accumulate at any residence or
1950 residential subdivision as the result of a catastrophic event at
1951 the proposed facility, unless each such residence or residential
1952 subdivision is served by at least one arterial road or urban
1953 minor arterial road ~~that, as defined in s. 334.03, which~~
1954 provides safe and direct egress by land to an area where such
1955 life-threatening concentrations of hazardous substances could
1956 not accumulate in a catastrophic event. Egress by any road
1957 leading from any residence or residential subdivision to any
1958 point located within 1,000 yards of the proposed facility is
1959 unsafe for the purposes of this paragraph. In determining
1960 whether egress proposed by the applicant is safe and direct, the
1961 department shall also consider, at a minimum, the following
1962 factors:

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1963 1. Natural barriers such as water bodies, and whether any
1964 road in the proposed evacuation route is impaired by a natural
1965 barrier such as a water body;

1966 2. Potential exposure during egress and potential
1967 increases in the duration of exposure;

1968 3. Whether any road in a proposed evacuation route passes
1969 in close proximity to the facility; and

1970 4. Whether any portion of the evacuation route is
1971 inherently directed toward the facility.

1972
1973 For the purposes of this subsection, all distances shall be
1974 measured from the outer limit of the active hazardous waste
1975 management area. "Substantial modification" includes: any
1976 physical change in, change in the operations of, or addition to
1977 a facility which could increase the potential offsite impact, or
1978 risk of impact, from a release at that facility; and any change
1979 in permit conditions which is reasonably expected to lead to
1980 greater potential impacts or risks of impacts, from a release at
1981 that facility. "Substantial modification" does not include a
1982 change in operations, structures, or permit conditions which
1983 does not substantially increase either the potential impact
1984 from, or the risk of, a release. Physical or operational changes
1985 to a facility related solely to the management of nonhazardous
1986 waste at the facility shall not be considered a substantial
1987 modification. The department shall, by rule, adopt criteria to
1988 determine whether a facility has been substantially modified.
1989 "Initial operation" means the initial commencement of operations
1990 at the facility.

1991 Section 40. Subsection (24) of section 479.01, Florida
1992 Statutes, is amended to read:

1993 479.01 Definitions.--As used in this chapter, the term:

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1994 (24) "Urban area" has the same meaning as defined in s.
1995 334.03 (29) ~~(32)~~.
1996 Section 41. This act shall take effect July 1, 2009.